

TRIBAL SELF-GOVERNANCE EVALUATION FEASIBILITY STUDY PROTOCOLS

The Office of the Assistant Secretary for Planning and Evaluation (OASPE), in the Department of Health and Human Services (Department), has funded a one-year project to assemble background information on Tribal Self-Governance. This project will assess the availability of data for and the feasibility of conducting an evaluation of the effectiveness and impacts of administering and managing health and other social service programs under Self-Governance. This Evaluation Feasibility Project will not compare one tribe to another with regard to their decision to rely upon direct service, contracting or self-governance. The primary tasks that will be conducted include:

- Compilation and synthesis of background information and existing research on the legislative history, experience, and effectiveness of Tribal Self-Governance, including identification of gaps in the research and limitations of previous studies.
- Identification of a sample group of Self-Governance Tribes that meet specific criteria, management and data capabilities sufficient to support an evaluation of Tribally-managed programs, and indicating an interest in/willingness to participate in an evaluation.
- Identification of likely research questions for an evaluation and the data that would be required to address each question.
- Assessment of data availability, completeness, and comparability for Tribally-managed programs, relative to data that are available from Federal and State agencies that provide services to non Self-Governance Tribes.
- Consultation and ongoing communication with Tribal leaders and Tribal organizations in designing, conducting, and reviewing findings of the feasibility study.

In order to fulfill the goals of this project, active participation, consultation and cooperation with tribal governments is essential.

This document sets forth the tribal participation and consultation protocol for the feasibility project. Tribal participation and consultation will be carried out consistent with the principles and processes set forth in this document.

PRINCIPLES

The United States recognizes a special government-to-government relationship with Indian Tribes, including the right of Indian Tribes to Self-Governance.

Although progress has been made, Congress has found that centralized rules and regulations of the Federal bureaucracy erodes tribal Self-Governance and dominates tribal affairs.

Tribal Self-Governance Evaluation Feasibility Study Protocol

Tribal Self-Governance has been demonstrated to improve and perpetuate the government-to-government relationship and strengthen tribal control over Federal funding and program management.

To the maximum extent possible, the goal of the feasibility project is to assemble background information on Tribal Self-Governance and to assess the availability of data for and the feasibility of conducting an evaluation of the effectiveness and impacts of administering and managing health and other social service programs under Self-Governance in the Department of Health and Human Services' Indian Health Service.

The Department concluded in the Demonstration Project Feasibility Study required by Title VI that a demonstration project expanding self-governance to certain programs within the Department, other than those of the Indian Health Service, is appropriate and viable. The Evaluation Feasibility Project is intended to support the implementation of the Demonstration Project when authorized by Congress, but was not required by Congress as a condition of going forward with authorization of the Demonstration Project, nor is it a necessary condition of beginning negotiations of individual demonstration projects upon such Congressional authorization.

The Feasibility Project shall be conducted consistent with the government-to-government relationship and the principles of Self-Governance.

Tribal consultation regarding the Feasibility Project shall be conducted consistent with the principles of Executive Order 13175 regarding Consultation and Coordination with Tribal Governments.

TECHNICAL WORK GROUP PROTOCOLS

Prior to executing project tasks, as identified in *Section IV in the Scope of Work*, the Department and the Contractor will consult with the Technical Work Group (TWG). These tasks include, but are not limited to:

- Initial Meeting and Technical Work Group
- Preliminary Information Gathering and Workplan
- Planning/Implementing (a) Tribal Site Visits and (b) Small Group Sessions
- Consultation and Informant Interviews
- Detailed Feasibility Study
- Conduct Analyses and Prepare Reports
- Reports on Topics of Special Interest
- Review of all Draft Documents and Final Report

The TWG understands the contractual agreement between the Contractor and Department. However, the TWG will play a critical role in assessing and reviewing this Project and should be consulted in decisions and recommendations as they are developed.

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As communication occurs with tribes throughout the progress of the development and conduct of the Feasibility Project, through presentations to tribes, at regional and national tribal meetings and through formal tribal consultation, tribal views on the design of the feasibility project will be jointly reviewed by the TWG, Contractor, and Department.

The TWG will review and participate in development of a design instrument for the conduct of the feasibility project, including the following

project tasks, design and execution:

gathering research

identifying tribes interested in participating

recommending research questions and data needs

determining data availability

maintaining communications

documenting findings and concluding the Report of the Feasibility Project outcome.

IMPLEMENTATION

Information:

- In order to facilitate tribal participation, the TWG, Contractor and Department will review all instruments designed during at the pre-decision stage of implementing such instruments.
- Both the Contractor and Department will provide the TWG with as much information as possible on information collection in every phase of the feasibility project on a timely enough basis to permit the TWG to meaningfully participate in redesign and interpretation without delaying conduct of the Project.
- All instrument design(s) will be maintained on the Self-Governance website.
- All information will be provided to the Title VI Department/Tribal Steering Group for review and comment.

Logistical Responsibility for Implementation: The Department and Contractor will provide support to the TWG for logistical coordination (conference calls, copies, faxing).

Written Communications: Written request for comments during the conduct of the feasibility project will be shared with the TWG at the pre-decision stage.

Availability of Comments: Written comments received at various stages of the study will be placed on the study website to the extent feasible.

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TRIBAL COMMUNICATION AND CONSULTATION TIMELINE

Role of Title VI Department/Tribal Steering Group. Throughout the Demonstration Project Feasibility Study, guidance, direction and oversight of the Feasibility Study was provided by a joint Department/Tribal Steering Group. Tribal participation in the Steering Group was coordinated by Sense, Inc., which provided logistical support to the tribal members, including:

- distribution of materials;
- scheduling and organizing teleconferences and meetings among Tribal Steering Group members;
- organizing and facilitating review and feedback to the Department.

These activities are critical to ensuring coordination among the Tribal Steering Group members, who represent diverse and autonomous Tribes and Tribal organizations and to the ability of the Steering Group to communicate effectively with national Tribal organizations and Tribes, to ensure that the views of all Tribes are considered. There is an ongoing need for these activities throughout the period in which the Evaluation Feasibility Study is being conducted. The Department will provide support for this ongoing activity and the Department and Contractor, with participation of the TWG, will assure that the Steering Group is kept informed about all stages of the Evaluation Feasibility Project and given appropriate opportunity to comment at critical decision points.

Ongoing Communication with Tribes. Throughout the Feasibility Project, the Department and Contractor, with participation of the TWG and the Steering Group, will assure that presentations regarding the Feasibility Project are available to be made at regional and national tribal conferences and meetings, upon request of the Tribal leadership, and upon request of individual tribes. In addition, throughout the Feasibility Project, written information about all stages of development will be posted on the Website and made available periodically to national tribal organizations and IHS Area Offices for direct distribution to tribes throughout the country.

Consultation Pursuant to the Executive Order

To the maximum extent practicable, subject to available resources, a copy of the Draft Report will be sent to tribes for their review and comment. Tribal comment received throughout the process will be considered at TWG meetings.

Approved and Agreed Upon by the Department/Tribal Title VI Steering Group this Fifth Day of February, 2003


Tribal Co-Chair


Department Co-Chair